

DOCKET NO.: PHRM-0319

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Steven L. Roberds, et al.

Serial No.: 09/802,668

Filing Date: March 9, 2001

For: HUMAN ION CHANNELS

Group No.: 1632

Examiner: not yet assigned

DATE OF DEPOSIT: October 2, 2001
I hereby certify that this paper is being deposited with the
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20231.

Gwilym J. O. Attwell
Gwilym J. O. Attwell

REGISTRATION NO.: 45,449

Assistant Commissioner for Patents
Washington DC 20231

RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Applicants received a Notice of Incomplete Reply dated August 8, 2001 indicating that Applicants' Response to the Notice to File Missing Parts was incomplete because the signature of inventor Gabriel Vogeli was missing from the declaration. The Notice of Incomplete Reply noted that Gabriel Vogeli's name was missing from the declaration because Gabriel Vogeli's name appeared on an unexecuted declaration filed concurrently with the above-referenced application on March 9, 2001.

Prior to filing the Response to Notice of Missing Parts, Applicants' undersigned attorney noticed that the inventors listed on the unexecuted declaration were not correct due to a clerical error. Specifically, it was noted that inventor Gabriel Vogeli should be removed and inventors Steven L. Roberds and Christopher W. Benjamin should be added.

37 C.F.R. §1.48(f) states:

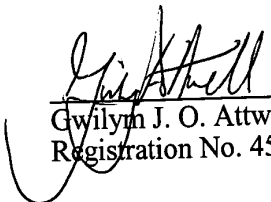
If the correct inventor or inventors are not named on a filing a nonprovisional application under §1.53(b) **without an executed oath or declaration** under §1.63 by any of the inventors, the first submission of an executed oath or declaration under 1.63 by any of the inventors during the pendency of the application will act to correct the earlier identification of inventorship (emphasis added).

Applicants filed an *executed* declaration identifying Steven L. Roberds, Christopher W. Benjamin, Alla M. Karnovsky, Cara L. Ruble, Lisa L. Linske-O'Connell, Jun Wang, and Derong Liu as the inventors thereby correcting the inventorship in accordance with 37 C.F.R. §1.48(f). Therefore, Applicants respectfully assert that the Notice of Incomplete Reply is moot as the signature of Gabriel Vogeli is not required.

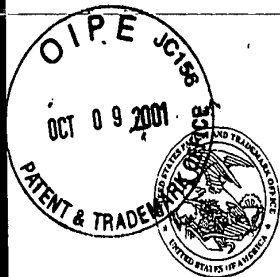
The Notice of Incomplete Reply further stated that the time period for reply remained as set forth in the Notice to File Missing Parts. As the Notice of Incomplete Reply is believed to be moot and no reply is warranted, any fee for extensions of time for reply thereto is also believed to be unwarranted. Nevertheless, if any fee for extension of time is due, the Commissioner is authorized to charge the Deposit Account (No. 23-3050) for any fee warranted in connection with the Response to Notice of Incomplete Reply.

Applicants also respectfully request that a corrected filing receipt naming the inventors identified in the executed declaration be issued as soon as possible.

Date: *October 2, 2001*


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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/802,668	03/09/2001	Steven L. Roberds	00069US1

CONFIRMATION NO. 3061

26657

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FORMALITIES LETTER



OC000000006396502

Date Mailed: 08/08/2001

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

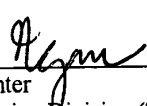
The U.S. Patent and Trademark Office has received your reply on 07/05/2001 to the Notice to File Missing Parts (Notice) mailed 04/30/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The signature of the following inventor(s) is missing from the oath or declaration:
Gabriel Vogeli

*A copy of this notice **MUST** be returned with the reply.*


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PART 2 - COPY TO BE RETURNED WITH RESPONSE